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Director

## WORKING SESSION MEMORANDUM

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**DATE:** June 21, 2013

**TO:** Alderman Marcia T. Johnson, Chairman  
Members of the Zoning and Planning Committee

**FROM:** Candace Havens, Director of Planning and Development  
James Freas, Chief Planner, Long-Range Planning 

**RE:** #80-13: THE PLANNING DEPARTMENT requesting update discussions of the zoning reform project.

**MEETING DATE:** June 24, 2013

**CC:** Board of Aldermen  
Planning and Development Board  
Donnalyn Kahn, City Solicitor

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The Zoning Reform project has recently achieved an important milestone with the delivery of the draft outline for the re-organized City of Newton Zoning Ordinance. The draft outline follows the approach presented in the previous Zoning Ordinance Assessment, which was reviewed and approved by the Zoning and Planning Committee on April 8, 2013. The attached draft outline document shows the proposed section headings, the order of the sections, and where the various provisions of the existing zoning ordinance will be located in the re-organized ordinance. Please review this document in conjunction with the Zoning Ordinance Assessment document that was distributed in April.

Code Studio, the City's lead consultant on the Zoning Reform Project, has begun the process of re-organizing the Newton Zoning Ordinance into the format presented at the last Zoning Reform meeting. We expect to begin reviewing a draft ordinance document in late August or early September with a presentation by Code Studio in September.



# Chapter 30. Zoning **PROPOSED OUTLINE** Newton, Massachusetts

May 28, 2013  
Prepared by: Code Studio

# Explanation of Proposed Outline

The following outline has been prepared to help the City staff, the advisory committee and appointed and elected officials understand the anticipated changes to the existing Zoning Ordinance before those changes occur. Code Studio will reorganize the existing regulations as specified in this outline prior to revising the text for readability. The outline must be read in light of the Assessment Memo provided previously to understand the full extent of the anticipated changes within each section.

## Article 1. General Provisions

Sec. 1.1. Short Title .....	2
Sec. 1.2. Purpose of Chapter .....	2
Sec. 1.3. Zoning Districts Established .....	2
Sec. 1.4. Official Zoning Map .....	2
Sec. 1.5. Legal Status Provisions .....	2

## Article 2. Public Use & Open Space Districts

Sec. 2.1. Zoning District Intent .....	3
Sec. 2.2. Dimensional Standards .....	3
Sec. 2.3. Allowed Uses .....	3

## Article 3. Residential Districts

Sec. 3.1. Zoning District Intent .....	4
Sec. 3.2. Dimensional Standards .....	4
Sec. 3.3. Allowed Uses .....	4

## Article 4. Mixed Use & Employment Districts

Sec. 4.1. Zoning District Intent .....	5
Sec. 4.2. Dimensional Standards .....	5
Sec. 4.3. Allowed Uses .....	5

## Article 5. Use Regulations

Sec. 5.1. Use Classification .....	6
Sec. 5.2. Residential Uses .....	6
Sec. 5.3. Public & Institutional Uses .....	6
Sec. 5.4. Commercial Uses .....	6
Sec. 5.5. Industrial Uses .....	6
Sec. 5.6. Open Uses .....	6
Sec. 5.7. Accessory Uses .....	6
Sec. 5.8. Temporary Uses .....	6

## **Article 6. Development Standards**

Sec. 6.1. Parking and Loading .....	7
Sec. 6.2. Signs .....	7
Sec. 6.3. Landscaping .....	7
Sec. 6.4. Outdoor Lighting .....	7
Sec. 6.5. Storage.....	7
Sec. 6.6. Fences .....	7
Sec. 6.7. Floodplain Management .....	7
Sec. 6.8. Tree Protection .....	7

## **Article 7. Administration**

Sec. 7.1. Development Review Bodies .....	8
Sec. 7.2. Amendments .....	8
Sec. 7.3. Special Permit Review.....	8
Sec. 7.4. Site Plan Review .....	8
Sec. 7.5. Accessory Apartment Review .....	8
Sec. 7.6. Nonconformities .....	8
Sec. 7.7. Enforcement and Penalties .....	9

## **Article 8. Definitions**

Sec. 8.1. Defined Terms .....	9
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## **Index**



# Article 1. General Provisions

## Sec. 1.1. Short Title

Part of Sec. 30-2. Purpose of chapter; short title.

## Sec. 1.2. Purpose of Chapter

Part of Sec. 30-2. Purpose of chapter; short title.

## Sec. 1.3. Zoning Districts Established

Part of Sec. 30-4. Division of city into districts; adoption of zoning plans, areas not included in districts.

Cross Reference Sec. 22-38 — 22-79. Historical Provisions.

## Official Zoning Map

### Sec. 1.3.1. Establishment

Part of Sec. 30-4. Division of city into districts; adoption of zoning plans, areas not included in districts.

### Sec. 1.3.2. Interpretation of District Boundaries

From Sec. 30-3. Determination of district boundary lines.

### Sec. 1.3.3. Adoption of Digital Zoning Map

- Add new language to implement a digital zoning map (GIS).

## Sec. 1.4. Legal Status Provisions

### Sec. 1.4.1. Effective Date

- New

### Sec. 1.4.2. Applicability to Public Service Corporations

From Sec. 30-25. Applicability of chapter to buildings and land of public service corporations.

### Sec. 1.4.3. Conflicting Provisions

From Sec. 30-33. Other regulations.

### Sec. 1.4.4. Severability

From Sec. 30-30. Effect of invalidity of any part of chapter.

# Article 2. Public Use & Open Space Districts

## Sec. 2.1. Zoning District Intent

Part from Sec. 30-7. Open Space/Recreation Districts.

## Sec. 2.2. Dimensional Standards

Part from Sec. 30-15. Density/dimensional requirements.

## Sec. 2.3. Allowed Uses

- Add new Use Table for Public Use and Open Space Districts

Part from Sec. 30-5. Allowed uses in all districts; special permits in all districts; prohibitions in all districts. -- show on use table plus include use standards in Article 5.

Part from Sec. 30-6. Allowed uses for Public Use Districts.

Part from Sec. 30-7. Open Space/Recreation Districts.

# Article 3. Residential Districts

## Sec. 3.1. Zoning District Intent

- [Reserved]

## Sec. 3.2. Dimensional Standards

Part from Sec. 30-15. Density/dimensional requirements.

Part from Sec. 30-16. Requirements for dormitories in residence districts.

Part from Sec. 30-17. Alteration, etc., of attached garage where below required height above grade.

## Sec. 3.3. Allowed Uses

- Add new Use Table for Residential Districts

Part from Sec. 30-5. Allowed uses in all districts; special permits in all districts; prohibitions in all districts. -- show on use table plus include use standards in Article 5.

Part from Sec. 30-8. Use regulations for Single Residence Districts.

Part from Sec. 30-9. Multi-Residence Districts.

# Article 4. Mixed Use & Employment Districts

## Sec. 4.1. Zoning District Intent

Part from Sec. 30-13. Mixed Use Districts.

## Sec. 4.2. Dimensional Standards

Part from Sec. 30-13. Mixed Use Districts.

Part from Sec. 30-15. Density/dimensional requirements.

## Sec. 4.3. Allowed Uses

- Add new Use Table for Mixed Use and Employment Districts

Part from Sec. 30-5. Allowed uses in all districts; special permits in all districts; prohibitions in all districts. -- show on use table plus include use standards in Article 5.

Part from Sec. 30-11. Business Districts.

Part from Sec. 30-12. Manufacturing Districts.

Part from Sec. 30-13. Mixed Use Districts.

From Sec. 30-34. Keno.

From Sec. 30-35. Adult entertainment uses.



# Article 5. Use Regulations

## Sec. 5.1. Use Classification

- Add new.

## Sec. 5.2. Residential Uses

## Sec. 5.3. Public & Institutional Uses

## Sec. 5.4. Commercial Uses

## Sec. 5.5. Industrial Uses

## Sec. 5.6. Open Uses

Part from Sec. 30-5. Allowed uses in all districts; special permits in all districts; prohibitions in all districts. -- include use standards here.

Part from Sec. 30-6. Allowed uses for Public Use Districts -- include use standards here.

Part from Sec. 30-7. Open Space/Recreation Districts -- include use standards here.

Part from Sec. 30-8. Use regulations for Single Residence Districts -- include use standards here.

Part from Sec. 30-9. Multi-Residence Districts -- include use standards here.

Part from Sec. 30-11. Business Districts -- include use standards here.

Part from Sec. 30-12. Manufacturing Districts -- include use standards here.

Part from Sec. 30-13. Mixed Use Districts -- include use standards here.

Part from Sec. 30-1. Definitions.

## Sec. 5.7. Accessory Uses

Part from Sec. 30-8 Use regulations for Single Residence Districts.

From Sec. 30-18. Permission for operation and construction of heliports.

From Sec. 30-18A. Wireless Communications.

## Sec. 5.8. Temporary Uses

Part from Sec. 30-7. Open Space/Recreation Districts (temporary licenses)

# Article 6. Development Standards

## Sec. 6.1. Parking and Loading

From Sec. 30-19. Parking and loading requirements.

## Sec. 6.2. Signs

From 30-20. Signs and other advertising devices.

## Sec. 6.3. Landscaping

[Reserved]

## Sec. 6.4. Outdoor Lighting

Cross reference Sec. 20-31—23-30. Light Trespass.

## Sec. 6.5. Storage

Cross reference Sec. 17-130—17-137. Storage.

## Sec. 6.6. Fences

Cross references Sec. 5-30. Regulation of Perimeter Fences.

*\*also listed in Sec. 20-40. Regulation of Perimeter Fences.*

## Sec. 6.7. Floodplain Management

Cross reference Sec. 22-22. Floodplain/watershed protection provisions.

## Sec. 6.8. Tree Protection

Cross reference Sec. 21-60—21-89. Trees.

# Article 7. Administration

## Sec. 7.1. Development Review Bodies

### Sec. 7.1.1. Zoning Board of Appeals

From Sec. 30-27. Zoning Board of Appeals.

## Sec. 7.2. Amendments

From Sec. 30-28. Amendments.

## Sec. 7.3. Special Permit Review

From Sec. 30-24. Special Permits.

## Sec. 7.4. Site Plan Review

Part from Sec. 30-11. Business Districts.

Part from Sec. 30-12. Manufacturing Districts.

Part from Sec. 30-13. Mixed Use Districts.

From Sec. 30-23. Site Plan Approval.

## Sec. 7.5. Accessory Apartment Review

From Sec. 30-22. Review of Accessory Apartment Petitions (RAAP).

## Sec. 7.6. Nonconformities

### Sec. 7.6.1. Nonconforming Uses

Part from Sec. 30-21. Applicability to existing buildings; nonconforming uses.

### Sec. 7.6.2. Nonconforming Structures

Part from Sec. 30-21. Applicability to existing buildings; nonconforming uses.

### **Sec. 7.6.3. Nonconforming Lots**

Part from Sec. 30-11. Business Districts.

Part from Sec. 30-12. Manufacturing Districts.

Part from Sec. 30-13. Mixed Use Districts.

Part from Sec. 30-15. Density/dimensional requirements.

Part from Sec. 30-21. Applicability to existing buildings; nonconforming uses.

From Sec. 30-26. Alteration, etc., of structure when size or shape is changed.

## **Sec. 7.7. Enforcement and Penalties**

### **Sec. 7.7.1. Enforcement**

From Sec. 30-31. Enforcement.

### **Sec. 7.7.2. Penalties**

From Sec. 30-32. Penalty.

# **Article 8. Definitions**

## **Sec. 8.1. Defined Terms**

Part from Sec. 30-1. Definitions.

- Where definitions are specific to one Article, relocate the definitions there, if possible.
- Where definitions contain regulations move regulations to relevant Articles.

# Lookup Table

The following table describes where the contents of each existing section of Chapter 30 are proposed to be located, using a cross-reference to the new Table of Contents provided above.

Current Location	Proposed Location
<b>Art. I. In General</b>	
30-1 Definitions	Art. 5 Use Regulations
	Sec. 8.1 Defined Terms
30-2 Purpose of chapter; short title	Sec. 1.1 Short Title
	Sec. 1.2 Purpose of Chapter
<b>Art. II. Use Regulations</b>	
30-3 Determination of district boundary lines	Sec. 1.5 District Boundary Lines
30-4 Division of City into districts	Sec. 1.3 Zoning Districts Established
	Sec. 1.4 Official Zoning Map
30-5 Allowed uses, special permits, prohibitions in all districts	Sec. 2.3 Allowed Uses
	Sec. 3.3 Allowed Uses
	Sec. 4.3 Allowed Uses
	Art. 5 Use Regulations
30-6 Allowed uses for Public Use Districts	Sec. 2.1 Zoning District Intent
	Sec. 2.3 Allowed Uses
	Sec. 5.8 Temporary Uses
30-7 Open Space/Recreation Districts	Sec. 2.1 Zoning District Intent
	Sec. 2.3 Allowed Uses
	Sec. 5.8 Temporary Uses
30-8 Use regulations for Single Residence Districts	Sec. 3.3 Allowed Uses
	Sec. 5.7 Accessory Uses
30-9 Multi-Residence Districts	Sec. 3.3 Allowed Uses
	Sec. 5.7 Accessory Uses
30-10 <i>Reserved</i>	---
30-11 Business Districts	Sec. 4.3 Allowed Uses
	Sec. 7.X Site Plan Review
	Sec. 7.X Nonconforming Lots
30-12 Manufacturing Districts	Sec. 4.3 Allowed Uses
	Sec. 7.X Site Plan Review
	Sec. 7.X Nonconforming Lots
30-13 Mixed Use Districts	Sec. 4.1 Zoning District Intent
	Sec. 4.2 Dimensional Standards
	Sec. 4.3 Allowed Uses
	Sec. 7.X Site Plan Review
	Sec. 7.X Nonconforming Lots
30-14 <i>Reserved</i>	---

Current Location		Proposed Location	
30-15	Density/dimensional requirements	Sec. 2.2	Dimensional Standards
		Sec. 3.2	Dimensional Standards
		Sec. 4.2	Dimensional Standards
		Sec. 7.X	Nonconforming Lots
30-16	Requirements for dormitories in residence districts	Sec. 3.2	Dimensional Standards
30-17	Alteration, etc., of attached garage where below required height above grade	Sec. 3.2	Dimensional Standards
30-18	Permission for operation and construction of heliports	Art. 5	Use Regulations
30-18A	Wireless Communications	Art. 5	Use Regulations
<b>Art. III. Parking and Loading Facilities</b>			
30-19	Parking and loading requirements	Sec. 6.1	Parking and Loading
30-20	Signs and other advertising devices	Sec. 6.2	Signs
30-21	Applicability to existing buildings; nonconforming uses	Sec. 7.X	Nonconforming Uses
		Sec. 7.X	Nonconforming Structures
		Sec. 7.X	Nonconforming Lots
<b>Art. IV. Zoning Administration</b>			
30-22	Review of Accessory Apartment Petitions (RAAP)	Sec. 7.X	Accessory Apartment Review
30-23	Site Plan Approval	Sec. 7.X	Site Plan Review
30-24	Special Permits	Sec. 7.X	Special Permit Review
<b>Art. V. Miscellaneous</b>			
30-25	Applicability of chapter to buildings and lands of public service corporations	Sec. 1.5	Legal Status Provisions
30-26	Alteration, etc., of structure when size or shape is changed	Sec. 7.X	Nonconforming Lot of Record
<b>Art. VI. Zoning Board of Appeals</b>			
30-27	Zoning Board of Appeals	Sec. 7.X	Zoning Board of Appeals
<b>Art. VII. Miscellaneous; Enforcement</b>			
30-28	Amendments	Sec. 7.X	Amendments
30-29	Reserved	---	
30-30	Effect of invalidity of any part of chapter	Sec. 1.5	Legal Status Provisions
30-31	Enforcement	Sec. 7.X	Enforcement and Penalties
30-32	Penalty	Sec. 7.X	Enforcement and Penalties
30-33	Other regulations	Sec. 1.5	Legal Status Provisions
30-34	Keno	Sec. 4.3	Allowed Uses
30-35	Adult entertainment uses	Sec. 4.3	Allowed Uses